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Notice of Allowability	Application No.	Applicant(s)	
	10/628,793	METZGER, ROBERT	
	Examiner	Art Unit	
	Anu Ramana	3733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview conducted on August 15, 2007.
2. ☒ The allowed claim(s) is/are 18-22, 27-29, 31-39, 41-44 and 46.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>1/26/2005</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Anuradha Ramana
 ANURADHA RAMANA
 PRIMARY EXAMINER
 TECHNOLOGY CENTER 3700

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the Attorney of Record, Michael L. Taylor, on August 15, 2007. See attached Interview Summary Form.

The application has been amended as follows:

In the claims (see amendment filed on February 15, 2007):

In claim 18, line 4: after "a" and before "reamed" inserted - - first - - to clarify Applicant's invention.

In claim 18, line 5: replaced "relative" with - - using - - to clarify Applicant's invention.

In claim 18, line 6: deleted "to" and in the same line, after "the" and before "reamed", inserted - - first - - to clarify Applicant's invention.

In claim 27, line 1: replaced "reaming" with - - resecting - - to correct a minor typographical error.

In claim 27, line 6: after "instrument" and before "," inserted - - that is different than the first resection instrument - - to clarify Applicant's invention.

In claim 27, line 9: after "instrument" and before "." inserted - - wherein resecting said second portion includes guiding an instrument using said first resected portion such that said second portion is substantially equivalent to said first resected portion - -

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In claim 33, line 5: after "portion (second occurrence)" and before "to" inserted - - using a rotating reamer device - - to clarify Applicant's invention.

In claim 33 line 5: after "a (second occurrence)" and before "reamed" inserted - - first - - to clarify Applicant's invention.

In claim 33, line 7: replaced "relative" with - - using - - to clarify Applicant's invention.

In claim 33, line 8: deleted "to" and in the same line after "the" and before "reamed", inserted - - first - - to clarify Applicant's invention.

In claim 41, line 3: after "a (second occurrence)" and before "reamed" inserted - - first - - to clarify Applicant's invention.

In claim 41, line 5: replaced "relative to the reamed" with - - to engage the first reamed - - to clarify Applicant's invention.

In claim 41, line 7: after "section" and before "." inserted - - ; wherein the first portion of the selected bone portion is a first condyle of a femur and the second portion of the selected bone portion is a second condyle of the femur - - to clarify Applicant's invention.

Canceled claims 30 , 40 and 45.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anu Ramana whose telephone number is (571) 272-4718. The examiner can normally be reached Monday through Friday between 8:00 am to 5:00 pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached at (571) 272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AR

August 15, 2007


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